THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.16104 OF 2005

Dated: 17th July, 2006

Between:

Syed Younus Saleem, H.No.17-2-1202/A/9 (Upstairs),
Wahed Colony, Hyderabad-500 023, Andhra Pradesh
... Petitioner

and

1. The Coordinator, M.A. (Economics Course),
   Indira Priyadarshini Government Degree College for Women,
   Nampally, Hyderabad and 4 others
... Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Government Pleader for Education.

2. A letter, dated 16-07-2005, sent by the petitioner to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, is the basis for registering the same as Writ Petition.

3. The prayer in the Writ Petition is to issue a Writ of Mandamus calling for the records from the respondents relating to the appointments being made to the posts of Faculty Members and Part-time Lecturers in M.A. (Economics), in Indira Priyadarshini Government Degree College for Women, Nampally, Hyderabad, without issuing Notification in the news papers, without constituting a Selection Committee and without following the Rules contained in G.O.Ms.No.208, Higher Education (VE.II.1) Department, dated 29-06-1999.

4. It is the complaint of petitioner that the said appointments were made without constituting any Selection Committee and without any notification issued as contemplated in G.O.Ms.No.208, dated 29-06-1999.

5. In response to the notice issued by this Court, a counter-affidavit has been filed by respondent Nos.1 to 3 *inter alia* stating that in Indira Priyadarshini Government Degree College for Women, Nampally, Hyderabad, the course of M.A. (Economics) in Urdu Medium was started during the years 2001-02 as per G.O.Ms.No.120, dated 18-08-2000. The Commissioner of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad, sent a Circular, dated 04-06-2001, to all the Degree Colleges in the State, calling for letters from eligible Economics Lecturers who were willing to teach M.A. (Economics) in Urdu

Medium in the said College, despite which no body had given willingness to teach M.A. (Economics) in Urdu Medium. Hence, the Director of Collegiate Education had permitted the Coordinator to engage the services of the Guest Faculty on payment of remuneration on hourly basis. Consequently, three members viz.,

1. Dr. Syed Mazaher Hussaian, M.A., M.Phil., Ph.D.,
2. Dr. Mohd. Irfanullah Khan, M.A., M.Phil., Ph.D (SLET),
3. Smt. Iffath Nasreen, M.A., (Ph.D).,

were engaged as Guest Faculty.

6. It is further stated in the counter-affidavit that the appointment of Guest Faculty cannot be termed as appointment on regular basis or on contract basis and that the G.O.Ms.No.208, dated 29-06-1999, issued by the Government of Andhra Pradesh, deals with the appointment of lecturers on contract basis. Therefore, the appointment of the above three candidates is neither on contract basis nor on regular basis in order to attract the conditions incorporated in G.O.Ms.No.208, dated 29-06-1999.

7. It is further stated in the counter-affidavit that G.O.Ms.No.208, dated 29-06-1999, was issued by the Government making the UGC Scales of Pay of 1996 applicable to the affiliated Degree and Post Graduate Colleges in all the Universities in the State of Andhra Pradesh. In the said G.O., it was further stated that part-time lecturers should be appointed only in exceptional circumstances and when it is appropriate to the requirements of the institute in terms of subjects to be taught or work-load.

8. In the present case, the said three Guest Faculty were not being paid UGC Scales so as to attract G.O.Ms.No.208, dated 29-06-1999. Therefore, it is the contention of the learned Government Pleader for Education that there is no violation of either G.O.Ms.No.208, dated 29-06-1999, or any other law in force.

9. It is further brought to the notice of this Court that subsequently, the Government of Andhra Pradesh issued Memo No.5333/CE.I.I/2001-12, dated 22-07-2005, granting permission to the college in dispute to appoint lecturers to teach M.A. (Economics) students in Urdu Medium on contract basis, as per the procedure laid down in G.O.Ms.No.142, Higher Education

(CE.I) Department, dated 09-10-2000.

10. In view of the said facts stated in the counter-affidavit, we find no merits in the Writ Petition and the same is liable to be dismissed.

11. In the result, the Writ Petition is dismissed. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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P.SWAROOP REDDY, J

17th July, 2006.

Ak/Krk